There is a radical conflict of authority as to the liability of the carrier for the ejection of a passenger who tenders an invalid ticket, the invalidity of which is due to the negligence of the carrier's agents. Many courts hold that under such circumstances a passenger cannot recover for his ejection, but that it is his duty to leave the train, and bring his action simply for the actual damages arising from the breech of contract in failing to provide him with a proper ticket. *Western M. R. Co.* v. *Stocksdale,* 34 Atl. 880 (Md.); *Poulin* v. *Ry. Co.,* 52 Fed. 197; *Hufford* v. *Ry. Co.,* 53 Mich. 158; *Townsend* v. *Ry. Co.,* 56 N. Y. 295; *Cloud* v. *Ry. Co.,* 14 Mo. App. 136. The decided weight of authority, however, is that a passenger may maintain an action in tort for his expulsion, and is not limited to an action on his contract. *N. P. Ry. Co.* v *Panson,* 70 Fed. 585; *Head* v. *Railway Co.,* 79 Ga. 358; *Sloane* v. *So. Col. Ry. Co.,* 111 Col. 668; *Hubbard* v. *Ry. Co.,* 64 Mich. 631; *Ellsworth* v. *R. Co.,* 63 N. W. 584; *Penn. R. Co.* v. *Bray,* 125 Ind. 229.

CONSTITUTIONAL LAW—EQUAL PROTECTION OF THE LAW-STATUTE LIMITING CHARGES FOR THE USE OF PRIVATE PROPERTY.—COTTING V. GODARD, 22 Sup. Ct. 30.—The Kansas Legislature enacted that no stock yard company doing business above a certain amount should charge in excess of a certain rate on each head of stock passing through its yards. *Held,* the Act was unconstitutional.

Justice Brewer's opinion showed that there was no question as to the reasonableness of the limitation, but based his opinion on two grounds; first, that equal protection of the law would be denied the Kansas City Stock Yark Co. inasmuch as it was the only concern doing business of an amount provided for in the Act, and secondly, that this business is not of a class in which the public has such an interest as to warrant a reasonable limitation of charges by the legislature. Justice Brewer here discloses a refinement of the doctrine as laid down in *Munn* v. *Illinois,* 94 U. S. in declaring that this right of the legislature to put a reasonable limit on the charges of a business in which the public has an interest is confined to those cases in which the public has come to have this interest because the work is such as is usually performed by the state by aid of eminent domain and without a view of profit, in the mercantile sense, and that a private individual undertaking such work impliedly agrees to subject himself to such control.

CONSTITUTIONAL LAW—LAW FOR CUSTODY OF INSANE PERSONS—IN RE LAMBERT, 66 Pac. 851 (Cal.).—The insanity law of 1897 authorized the judge of a superior court on the application of a relative or friend of an alleged insane person for his commitment to a hospital, accompanied by a certificate of lunacy signed by two medical examiners, to forthwith determine the question of insanity and immediately commit the person to a hospital. *Held,* to be void, as depriving a person of his liberty "without due process of law." Gagoutte, J.,*dissenting.*

While this decision renders entirely void the Insanity Law of 1897, intended to be a complete revision of insanity legislation, yet it is to be commended for its justice. Contrasted with the New York law, this act made no provision for giving the alleged insane person notice and an opportunity to be heard. The court in its opinion follows the law as laid down in New York that absence of such provisions is fatal. *Stuart* v. *Palmer,* 74 N. Y. 188.